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10/526,415	10/31/2005	Egon Brauning	97086-00056	3409

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EXAMINER

ING, MATTHEW W

ART UNIT	PAPER NUMBER
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3637

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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/526,415	Applicant(s) BRAUNING ET AL.	
	Examiner MATTHEW W. ING	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Regarding claims 4-6, 9, & 14, the phrase "preferably" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). For the purposes of examination, the examiner is considering the limitations following "preferably" to denote optional embodiments of the invention, and not claimed components thereof.

4. Regarding claim 4, the phrase "it being possible to dispense with legs inserted in between" renders it unclear whether "legs in between" denotes a claimed component of the invention, or is merely included for illustrative purposes. For the purposes of examination, the examiner is considering that the term "legs in between" is not part of the claimed invention; but rather that it is included merely for illustrative purposes.

5. The term "in the region of" in claim 4 is a relative term which renders the claim indefinite. The term "in the region of" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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6. Regarding claim 4, the term “the two opposite longitudinal sides” in line 13 lacks antecedent basis in the claim.
7. Regarding claim 5, the term “said longitudinal flanks” in line 5 lacks antecedent basis in the claim.
8. Claim 9 fail(s) to recite sufficient structural elements and interconnection of the elements to positively position and define the structure(s) & component(s) whereby the attached legs "apply force into the edge around the apertures", so that an integral structure able to function as claimed is recited.
9. The term "nearly" in claim 10 is a relative term which renders the claim indefinite. The term "nearly" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
10. Regarding claim 11, the term “its head portion” in line 3 lacks antecedent basis in the claim.
11. Regarding claim 12, the term “the latter” in line 4 lacks antecedent basis in the claim.
12. Regarding claim 13, the inclusion of the term "the standing surface" renders the claim(s) indefinite, since it is unclear whether this term actually denotes a component of the claimed invention, or is merely included for illustrative purposes. For the purposes of examination, the examiner is considering that the term “the standing surface” is not part of the claimed invention; but rather that it is included merely for illustrative purposes.
13. Claims 7-8 are considered indefinite since they depend from an indefinite base claim.

Claim Rejections - 35 USC § 102

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Crinion (2003/0070595).

16. Regarding claim 1, Crinion teaches supported by legs (18) placed on a standing surface, and a tabletop (8) placed onto the substructure, wherein the substructure is designed as an upwardly open trough (40) which is arranged below the tabletop; and the tabletop is connected fixedly to the trough, thus resulting in a sandwich-like construction with mutual reinforcement of the tabletop and trough; the trough including a plurality of apertures (Fig. 2) formed at spaced intervals along the long axis of the trough, each of the apertures being sized and shaped so as to be suitable for receiving an attachable leg.

17. Regarding claim 2, Crinion teaches a trough of rectangular, trapezoidal, U-shaped or V-shaped cross section; and has, at least on two opposite side, plane elements (70) which are fixed over their entire area or at a multiplicity of spot-type, fixed connections to the underside of the tabletop.

18. Regarding claim 3, Crinion teaches a trough (40) having an elongated area.

19. Claims 1-3 can be alternately rejected under 35 U.S.C. 102(a) as being anticipated by Crinion (2003/0070595).

20. Claims 1-3 can be alternately rejected under 35 U.S.C. 102(e) as being anticipated by Crinion (2003/0070595).

Claim Rejections - 35 USC § 103

21. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crinion (2003/0070595). Crinion teaches the structure substantially as claimed, including a trough (40) arranged along the extent of the tabletop and having an average width which is a multiple of the height; wherein legs (18) are provided only in the region of the front ends of the tabletop in each case; wherein the tabletop protrudes (8) in each case with a lateral projecting length over the trough arranged below it, and there can also be a respective front projecting length; and the plane elements (70) are present at least on the two opposite longitudinal sides of the trough; the only difference being, Crinion fails to teach a trough provided for lengths of the tabletop of preferably greater than 250 cm; has a width in the region of 50 cm and a height in the region of 10 cm, resulting in a ratio of 5:1. However, the examiner takes official notice that the practice of varying the size & shape of a trough is well known in the art. It would have been an obvious design consideration to one of ordinary skill in the art to modify the trough of Crinion, by sizing said trough to be usable for lengths of the tabletop of preferably greater than 250 cm, and by making the width & height of said trough in the region of 50 cm & 10 cm, respectively, depending on the desired needs of the person constructing the trough (e.g., intended use of the trough, aesthetic considerations, compactness, ease of manufacture, need for storage space, etc.), thereby providing the structure substantially as claimed.

22. Claims 1-2, 3/1, 3/2, & 4 can be alternately rejected, along with claims 5-6, under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983) in view of Crinion (2003/0070595).

23. Cronk teach(es) the structure substantially as claimed, including a table supported by legs (31) placed on a standing surface (S), and a tabletop (21) placed onto the substructure, wherein

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the substructure is designed as an upwardly open trough (36) which is arranged below the tabletop; and the tabletop is connected fixedly to the trough, thus resulting in a sandwich-like construction with mutual reinforcement of the tabletop and trough.

24. The only difference between Cronk and the invention as claimed is that Cronk fail(s) to teach the trough including a plurality of apertures formed at spaced intervals along the long axis of the trough, each of the apertures being sized and shaped so as to be suitable for receiving an attachable leg.

25. Crinion, however, teaches the inclusion, in a trough (40), of a plurality of apertures (Fig. 2) formed at spaced intervals along the long axis of the trough, each of the apertures being sized and shaped so as to be suitable for receiving an appropriately-sized attachable leg.

26. It would have been obvious to one of ordinary skill in the art to include a plurality of apertures, as taught by Crinion, upon the trough of Cronk, in order to increase the functionality of said table by permitting devices located below said trough (e.g., floor-mounted tower computers) to access to the equipment therein, thereby providing the structure substantially as claimed.

27. Regarding claim 2, Cronk teaches a table wherein the trough (36) is of rectangular, trapezoidal, U-shaped or V-shaped cross section (Figs. 4A & 5); and has, at least on two opposite side, plane elements (40-41) which are fixed over their entire area or at a multiplicity of spot-type, fixed connections (col. 3, lines 64-66) to the underside of the tabletop (21).

28. Regarding claims 3/1 and 3/2, Cronk teaches a trough (36) having an elongated area.

29. Regarding claim 4, Cronk teaches the structure substantially as claimed, including a trough (36) arranged along the extent of the tabletop, with legs having to be provided only in the

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region of the front ends of the tabletop in each case, it being possible to dispense with legs inserted in between (Fig. 1); has an average width which is a multiple of the height; wherein the tabletop (21) protrudes in each case with a lateral projecting length over the trough arranged below it, and there can also be a respective front projecting length; and the plane elements (40-41) are present at least on the two opposite longitudinal sides of the trough; the only difference being, Cronk fails to clearly teach a trough provided for lengths of the tabletop of preferably greater than 250 cm; has a width in the region of 50 cm and a height in the region of 10 cm, resulting in a ratio of 5:1. However, the examiner takes official notice that the practice of varying the size & shape of a trough is well known in the art. It would have been an obvious design consideration to one of ordinary skill in the art to modify the trough of Cronk as modified by Crinion, by sizing said trough to be usable for lengths of the tabletop of preferably greater than 250 cm, and by making the width & height of said trough in the region of 50 cm & 10 cm, respectively, depending on the desired needs of the person constructing the trough (e.g., intended use of the trough, aesthetic considerations, compactness, ease of manufacture, need for storage space, etc.), thereby providing the structure substantially as claimed.

30. Regarding claim 5, Cronk teaches a trough (36) having a base from which a respective longitudinal flank (Fig. 4A) extends to both sides, said longitudinal flanks merging in each case into an outwardly bent-over edge forming the plane elements (40-41); wherein said trough preferably consists of sheet metal which is 2.0 mm thick; and the fixed, spot-type connections between the tabletop and the trough are screw connections (col. 3, lines 64-66). Although Cronk fails to clearly teach a trough preferably consisting of sheet metal 2.0 mm thick, Cronk additionally broadly teaches making components from sheet metal (col. 4, lines 38-39). It would

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have been an obvious design consideration to one of ordinary skill in the art to modify the trough of Cronk as modified by Crinion, by making said trough from sheet metal 2.0 mm thick, depending on the desired needs of the person constructing the trough (e.g., intended use of the trough, aesthetic considerations, compactness, ease of manufacture, need for storage space, etc.); and in order to improve the durability & load-bearing capacity thereof; thereby providing the structure substantially as claimed.

31. Regarding claim 6, Cronk teaches a trough (36) open at its end sides (Fig. 4A), and having a base with two longitudinal flanks; but fails to clearly teach a base and longitudinal flanks defining, in cross section, an upwardly widening isosceles trapezoid. However, Crinion teaches a trough (40) having a base and longitudinal flanks arranged to define, in cross section, an upwardly widening isosceles trapezoid. Additionally, the examiner takes official notice that the practice of varying the size & shape of a trough is well known in the art. It would have been an obvious design consideration to one of ordinary skill in the art to modify the trough of Cronk as modified by Crinion, by giving said trough a trapezoidal cross section, depending on the desired needs of the person constructing the trough (e.g., intended use of the trough, aesthetic considerations, compactness, ease of manufacture, need for storage space, etc.), thereby providing the structure substantially as claimed.

32. Regarding the limitations, "preferably closed by a respective front surface, the front surfaces extending as far as the underside of the tabletop or a clearance remaining toward the tabletop", it is noted that applicability of these limitations is rendered optional by the use of the term "preferably" in claim 6.

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33. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983) & Crinion (2003/0070595) as applied to the claim(s) above, further in view of Wilson (4,792,881). Cronk & Crinion teach(es) the structure substantially as claimed, including longitudinal flanks & plane elements. The only difference between Cronk & Crinion and the invention as claimed is that Cronk & Crinion fail(s) to teach a strip-shaped vertical section is situated in each case between the longitudinal flanks and the plane elements. Wilson, however, teaches a strip-shaped vertical section (42) situated between a longitudinal flank (49) and a plane element. It would have been obvious to one of ordinary skill in the art to include a strip-shaped vertical section, as taught by Wilson, between the longitudinal flanks & plane elements of Cronk & Crinion, in order to improve the aesthetic appearance thereof, provide structural reinforcement thereto, and increase the storage capacity thereof, thereby providing the structure substantially as claimed.

34. Regarding the limitations, "a respective vertical strip adjoins the oblique front surfaces; the gaps arising between the converging front surfaces and longitudinal flanks remain open or are welded together; the gaps present between the converging vertical strips and vertical sections are closed preferably by means of weld seams", it is noted that applicability of these limitations is rendered optional by the use of the term "preferably" in claim 6.

35. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983), Crinion (2003/0070595) & Wilson (4,792,881) as applied to the claim(s) above, further in view of Harvey (D453,641). Cronk, Crinion, & Wilson teach(es) the structure substantially as claimed, including legs (36), and open & external apertures. The only difference between Cronk, Crinion, & Wilson and the invention as claimed is that Cronk, Crinion, & Wilson fail(s) to teach

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attached legs applying force into the edge around the apertures, the apertures being open and external. Wilson, however, teaches attached legs applying force into the edge around apertures, the apertures being open and external. Whereas the legs of Cronk & Harvey are both equivalent alternative structures for accomplishing similar purposes, it therefore would have been obvious to one of ordinary skill in the art to substitute aperture-mounted legs, as taught by Harvey, for the legs of Cronk as modified by Crinion, & Wilson, since the results of such a substitution of one known leg structure for another would have been predictable; thereby providing the structure substantially as claimed.

36. Regarding the limitations, "and in addition to the apertures external appliance apertures can be provided for inserting socket units; and installation apertures as a means of access for lines and/or installations can be provided in the base of the trough", whereas external appliance apertures & installation apertures are obviously capable of being provided in the base of the trough of Cronk as modified by Crinion, Wilson, & Harvey, given appropriate modification, said trough is therefore viewed as reading upon said limitations. It is additionally noted that even if, *arguendo*, the terms "external appliance apertures" and "installation apertures" were viewed as denoting positively claimed components, whereas Crinion teaches apertures upon both the longitudinal flanks & base of a trough, and whereas mere duplication of the essential working parts of a device has been held to involve only routine skill in the art, it therefore would have been obvious to one of ordinary skill in the art to include additional apertures upon the trough of Cronk as modified by Crinion, Wilson, & Harvey, in order to increase the accessibility of the contents thereof; thereby providing the structure substantially as claimed.

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37. Regarding claim 9, Crinion teaches a trough (40) having, in each case on both the longitudinal sides, preferably in the longitudinal flanks, a mutually complementary grid of apertures capable of attaching legs. It is noted that mere duplication of the essential working parts of a device has been held to involve only routine skill in the art.

38. Regarding claim 10, Crinion teaches apertures extending, on the one hand, nearly to the tops of the vertical flanks, and, on the other hand, nearly to the transitions from the base to the longitudinal flanks, capable of using the reinforcing effect of bending edges.

39. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983), Crinion (2003/0070595), Wilson (4,792,881) & Harvey (D453,641) as applied to the claim(s) above, further in view of Betro (4,671,188).

40. Cronk, Crinion, Wilson, & Harvey teach(es) the structure substantially as claimed, including an aperture, and a leg having a head portion and connecting means (i.e., the integral connection between the leg & aperture of Harvey) for connecting said head portion to said aperture.

41. The only difference between Cronk, Crinion, Wilson, & Harvey and the invention as claimed is that Cronk, Crinion, Wilson, & Harvey fail(s) to teach each leg having, on a head portion, a flange edge which, when fitted on, engages at least virtually completely below the edge of the aperture selected for the positioning of the leg; and in order to secure the attached leg, a mating plate (49) is provided which covers the selected aperture from the interior of the trough and is screwed to the leg.

42. Betro, however, teaches a head portion having a flange edge (10) which, when fitted on, engages at least virtually completely below the edge of an aperture (15) selected for the

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positioning of the leg; and in order to secure the attached leg, a mating plate (18) is provided which covers the selected aperture from an opposite side of said aperture and is secured (via 16 & 22) to the leg. Additionally, Cronk teaches the use of screw connections (col. 3, lines 64-66) for connecting components to one another.

43. It would have been obvious to one of ordinary skill in the art to substitute a head portion, as taught by Betro, for each of the head portions of the legs of Cronk as modified by Crinion, Wilson, & Harvey, since the results of substituting one known head portion for another equivalent, alternative head portion would have been predictable; and to substitute screw connections, as taught by Cronk, for the snap-fit connections between the flange edge & mating plate of Cronk as modified by Crinion, Wilson, Betro, & Harvey, since the results of substituting one known connecting means for another equivalent, alternative connecting means would have been predictable; thereby providing the structure substantially as claimed.

44. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983), Crinion (2003/0070595), Wilson (4,792,881), Harvey (D453,641) & Betro (4,671,188) as applied to the claim(s) above, further in view of Wharton (3,610,172).

45. Cronk, Crinion, Wilson, Betro, & Harvey teach(es) the structure substantially as claimed, including mating plate having a planar plate base (18); on the mating plate there are screwing elements for which there are complementary screwing elements on the head portion (10) of the leg (i.e., holes whereby screws pass through both the mating plate & head portion).

46. The only difference between Cronk, Crinion, Wilson, Betro, & Harvey and the invention as claimed is that Cronk, Crinion, Wilson, Betro, & Harvey fail(s) to teach a bent-over plate edge encircling the planar plate base wherein in the fitted state, the plate edge of the mating plate sits

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on the edge of the aperture selected for the positioning of the leg, in a manner at least virtually completely encircling it.

47. Wharton, however, teaches a bent-over plate edge (21) encircling a planar plate base (20) wherein in the fitted state, the plate edge of the mating plate sits on the edge of an aperture selected for the positioning of the leg, in a manner at least virtually completely encircling it. It is noted that the term "on" can be used to indicate proximity.

48. It would have been obvious to one of ordinary skill in the art to include a plate edge, as taught by Wharton, upon the planar plate base of Cronk as modified by Crinion, Wilson, Betro, & Harvey in order to allow said planar plate base to more easily grip the edge of the aperture thereof; and in order to provide structural reinforcement to said planar plate base, thereby providing the structure substantially as claimed.

49. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronk (6,372,983), Crinion (2003/0070595), Wilson (4,792,881), Harvey (D453,641), Betro (4,671,188) & Wharton (3,610,172) as applied to the claim(s) above, further in view of Roberts (5,274,970).

50. Cronk, Crinion, Wilson, Betro, Wharton, & Harvey teach(es) the structure substantially as claimed, including a leg designed as a single leg wherein one leg portion extends from the head portion to the standing surface, and the leg portion is formed by a leg profile.

51. The only difference between Cronk, Crinion, Wilson, Betro, Wharton, & Harvey and the invention as claimed is that Cronk, Crinion, Wilson, Betro, Wharton, & Harvey fail(s) to teach a height-leveling device is contained in each leg; wherein a displaceably arranged base element emerges from each lower leg end, wherein said leg can be adjusted by means of the height-

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leveling device and the set-down surface of which is provided for supporting on the standing surface; wherein the height-leveling device comprises an adjusting screw which is accessible from the outside and is preferably arranged in the head portion; the adjusting screw carries along a slide rod which is mounted in an axially displaceable manner in the leg portion in the leg profile; and the slide rod acts on the base element.

52. Roberts, however, teaches a leg portion (38) containing a height-leveling device (combination of 26', 28, & 56-57); wherein a displaceably arranged base element (26') emerges from each lower leg end, wherein said leg can be adjusted by means of the height-leveling device and the set-down surface of which is provided for supporting on the standing surface; wherein the height-leveling device comprises an adjusting screw (28) which is accessible (when extended as in Fig. 1) from the outside; the adjusting screw carries along a slide rod (56 or 57) which is mounted in an axially displaceable manner in the leg portion in the leg profile; and the slide rod acts on the base element. Whereas the slide rod (56, 57) is obviously a separate component from the leg portion (38), it can therefore be concluded that axial displacement is required at least in order to fit said slide rod into said leg portion; as such, said slide rod can be termed "axially displaceable". Alternately, whereas said slide rod is capable of being axially displaced given appropriate modification, said slide rod can therefore be termed "axially displaceable". Additionally, whereas said slide rod restricts vertical & horizontal motion of the base element, said slide rod can therefore be said to "act on the base element".

53. Whereas the leg portions of Roberts & Harvey are both equivalent alternative structures for accomplishing the similar purpose of providing support, it therefore would have been obvious to one of ordinary skill in the art to substitute a leg portion, as taught by Roberts, for each of the

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leg portions of Cronk as modified by Crinion, Wilson, Betro, Wharton, & Harvey, since the results of substituting one known leg portion for another would have been predictable; and to include, upon said leg portion, a height leveling device, as taught by Roberts, in order to allow said table to better accommodate users of different heights by enabling the height of said legs to be adjusted, thereby providing the structure substantially as claimed.

Response to Arguments

54. Applicant's arguments filed 7/28/08 have been fully considered but they are not persuasive.

55. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

56. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW W. ING whose telephone number is (571)272-6536.

The examiner can normally be reached on Monday through Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWI

27 February 2009

/José V. Chen/

Primary Examiner, Art Unit 3637